

**AN AMENDED ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

**AN AMENDED ORDINANCE AMENDING SECTION 2-4
OF THE CITY OF ATLANTA MUNICIPAL CODE OF
ORDINANCES TO INCREASE THE WAIVER OF
GOVERNMENTAL IMMUNITY FOR THE SETTLEMENT
OF MOTOR VEHICLE COLLISION CLAIMS FROM
\$2,000.00 TO \$25,000.00; TO MAKE SAID AMENDMENT
EFFECTIVE JANUARY 1, 2003; TO REPEAL
CONFLICTING ORDINANCES; AND FOR OTHER
PURPOSES**

WHEREAS, municipalities in the State of Georgia enjoy immunity from liability for damages caused by operation of its governmental functions; and

WHEREAS, the Georgia Constitution provides for the waiver of immunity by a municipality under certain circumstances; and

WHEREAS, the City of Atlanta currently waives its governmental immunity for the settlement of motor vehicle collision claims in an amount not to exceed \$2,000.00 per accident; and

WHEREAS, although the City Council increased the City's waiver to \$2,000 in 2000, indications are that this amount is insufficient to compensate some victims of motor vehicle collisions with significant property damages or personal injuries; and


WHEREAS, the City Council wishes to make the City's exposure in such instances more commensurate with the limits of consumer insurance policies; and

WHEREAS, increasing the amount which can be offered for settlement may aid in decreasing the number of lawsuits filed against the City for vehicle damage.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section One: That Chapter Two, Section 2-4 subsections (1) and (2), "Self-insurance and waiver of governmental immunity," of the Code of Ordinances be amended to read as follows:

- (1) Payments for damages because of bodily injury or death resulting therefrom to any one person or for damage to property to any one person or for both shall not exceed the total amount of **\$25,000.00** in any one incident or collision arising because of the ownership, maintenance,



operation or use of any motor vehicle by the city under its management, control or supervision in a governmental undertaking.

- (2) There shall be no additional or excess insurance coverage or self insurance, other than the total payment of **\$25,000.00** to any one person arising out of any one incident or collision, as set forth in subsection (1) of this section.

Section Two: This ordinance shall not become effective until January 1, 2003.

Section Three: That all ordinances or parts of any ordinance in conflict herewith are hereby repealed.

A true copy,


Deputy Clerk

ADOPTED as amended by the Council
APPROVED by the Mayor

FEB 18, 2002
MAR 05, 2002

RCS# 3454
2/18/02
2:41 PM

Atlanta City Council

Regular Session

CONSENT I

02-O-0259
02-O-0260
ADOPT AS AMEND

YEAS: 14
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	N Boazman	NV Woolard

CORRECTED COPY

CONSENT I

02-0 -0260

(Do Not Write Above This Line)

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ADOPTED BY

FEB 18 2002

AS AMENDED

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 2/4/02

Referred To: Finance/Executive

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee <i>FINC</i>	Committee
Date <i>2-13-02</i>	Date
Chair <i>John A. McPherson</i>	Chair
Action: <i>AS AMENDED</i>	Action: Fav, Adv, Hold (see rev. side) Other:
Members <i>James M. Starnes Helen H. Lawrence Cheryl Muller</i>	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side) Other:	Action: Fav, Adv, Hold (see rev. side) Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

- ☐ 2nd
- ☐ 1st & 2nd
- ☐ 3rd
- ☐ Consent
- ☐ V Vote
- ☒ RC Vote

CERTIFIED

CERTIFIED
FEB 18 2002
ATLANTA CITY COUNCIL PRESIDENT
Robert W. Woodard

CERTIFIED
FEB 18 2002
MUNICIPAL CLERK
Ruth Davidson Johnson

MAYOR'S ACTION

Shirley L. Smith

MAR 05 2002